

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Presidential Order 1975 – Commercial Taxes Department- Zone-III-OA NO.8650/2009 filed by Sri. TPKannan Driver O/o CTO Lalapet Guntur Division – Final orders passed- Reprn. of individual -Repatriation of Non-local to local cadre- Transfer of the employee under para 5 (2) (c) of the presidential orders – Issued.

G.O.Ms.No. 1374

Dated:18th September, 2012,
Read the following:

1. G.O. Ms.No. 1042, Revenue (CT.III) Dept., Dt. 19-8-2008.
2. Govt., Memo. No. 45462/ CT.III/2006-1, Dt. 30-8-2008.
3. From the CCT Ref. No. E3/674/06, Dt. 6-11-2008.
4. G.O.Ms.No.1291, Revenue (CT.III) Dept., dt.07.11.2008.
5. Hon'ble APAT orders dt.14.08.2009 in O.A.No.8650/2009.
6. From the CCT Ref. No. E1/674/06, Dt.29-11-2009 along with the Reprn. of Sri.T.P.Kannan Driver DC (CT)-1 Guntur Division dt.26.08.2009.
7. Govt., Memo No. 45462/CT.III/2006, Dt. 26-7-2010.
8. From the CCT Ref. No. E3/674/06, Dt. 10-4-2012.

ORDER:-

In the course of and as part of implementation of the Presidential Order, 1975 and the consequent G.O. Ms. 610, dt. 30-12-1985, for repatriation of non-local employees to their respective local cadres, Government vide reference 1st read above, issued orders transferring 148 employees of the Commercial Taxes Department to their respective local cadres against the existing vacancies in terms of the provisions of Para 5(2) © of the Presidential Order. However on receipt of representations from APCTNGO's Association that certain lapses occurred in the preparation of the list of the employees to be repatriated, Government vide in the reference 2nd read above kept the orders issued in the reference 1st cited in abeyance and the directed the CCT to review the entire matter and submit a revised list of the employees for repatriation. The CCT accordingly reviewed the matter and identified two employees namely Sri K. Joseph, DCTO, Visakhapatnam and Sri P. Vijayakumari, ACTO, Kakinada as eligible for repatriation.

2. Aggrieved by non inclusion of his name in the list of employees for repatriation one Sri T.P. Kannan, Driver Guntur Division approached the Tribunal and the Hon'ble APAT in their order dated 4-8-2009, in O A No. 8650 / 2009, directed the Government and the CCT to consider the representation of Sri T.P. Kannan as per rules within six weeks from the date of his representation.

3. After carefully examining the representation, the Commissioner of Commercial Taxes opined vide references 3rd and 8th cited that Sri T.P. Kannan, was initially appointed only as contingent employee and thereafter as Attender on regular basis in the CTO's Office Patnam Bazar Circle, on 1-8-1995. Subsequently he was appointed as Driver by transfer by DC (CT) on 18-7-2008. Since the regular appointment of Sri T.P. Kannan as Attender being a single one in the unit of appointment, i.e. the CTO Office, Patnam Bazar Circle Guntur, the said appointment was not a deviation from the Presidential Order and hence Sri T.P. Kannan is not eligible for repatriation to Chittoor District.

4. Government have examined the matter in its entirety. It is observed that, while considering the cases of contingent employees for regular appointment their local cadre should invariably be taken into account. However in case of appointment of Sri T.P. Kannan, first as Attender and later as Driver, in Guntru District his local status was not considered even though his local cadre is Chittoor District. As per the instructions in Circular Memo No. 97462/MC/2004-50, GAD dt. 4-10-2006, no non local candidates should be absorbed till all the local candidates are absorbed in case of work charged/ contingent category. As the appointment of the individual was in Guntur District, which is other than his local cadre, it is irregular and against the provisions of Presidential Order. Hence Government hereby order to repatriate Sri.T.P.Kannan, Driver O/o CTO Lalapet Guntur Division to his local cadre Chittoor District against the existing vacancy.

5. The Commissioner of Commercial Taxes, Hyderabad, shall take further action in the matter accordingly.

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To:

The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

The individual concerned through the CCT, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The District Treasury Officer, Guntur/ Chittoor.

Copy to:

The Finance (R&E) / SMPC Department

The GA (MC) Department.

SF/SCs.

// FORWARDED : : BY ORDER //

SECTION OFFICER